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Submitted via email to: [martinjones@fs.fed.us](mailto:martinjones@fs.fed.us)

July 25, 2019

**Re: Scoping Comments for the Proposed Turner Placer Exploration Project, Small NEPA Projects Proposal (July 2, 2019 Scoping Notice)**

Dear Mr. Jones:

Thank you for considering our scoping comments for the proposed Turner Placer Exploration project. Since 1973, the Idaho Conservation League (ICL) has worked to protect and enhance Idaho's clean water, wilderness, and quality of life through citizen action, public education, and professional advocacy. The Idaho Conservation League has a long history of involvement with mining, and as Idaho's largest statewide conservation organization, ICL represents over 30,000 supporters who have a deep personal interest in ensuring that mining operations are protective of our land, water, fish, and wildlife.

We appreciate the Forest Service's efforts to streamline and increase project evaluation efficiency by using the Small NEPA Projects program. However, the Turner Placer Exploration project as presented in the July 2, 2019 Scoping Notice lacks integral information necessary to provide clear and directed public comments. 36 CFR 220.4 (e)(1) states that scoping is required for all USFS proposed actions. No single scoping technique is required, but that the scoping process must comply with 40 CFR 1501.7. Chapter 10 of the USFS NEPA Handbook contains guidance regarding compliance with the CEQ and USFS scoping requirements. It states that scoping involves "refining the proposed action, determining the responsible official and lead and cooperating agencies, identifying preliminary issues, and identifying interested and affected persons." The handbook defines five questions that the scoping notice must address: who is proposing the project; what actions will take place; how will the actions be carried out; where will the actions be completed; and when will the work take place. The information provided in the Turner Placer Exploration Scoping Notice fails to address the What and How questions. The "what" refers to the proposed activity or *activities and all their parts* (emphasis added). Note that the "what" is almost always plural. In stating the "what" of the proposed action, focus as specifically as practicable on describing the activities. Connected actions (sec. 05) are included as

part of the proposed action,” (Forest Service Handbook, Chapter 10, 1909.15, June 25, 2012). The scoping notice does not meet these standards, and therefore the project does not meet the threshold for consideration.

The Plan of Operation (POO) fails to identify and delineate specific task locations, either in the text or on the deficient map. In the following paragraphs, ICL details the inadequacies and far-reaching assumptions found throughout the POO while providing a sound argument and basis for not only removing this project from the NEPA Small Projects and Categorical Exclusion, but from the Forest Service’s consideration until such time that the operator provides a more robust and complete plan.

In order for ICL or the public to provide directed, meaningful comments regarding any potential project on our public lands, the scoping notice and POO must contain adequate information to gauge the value, worth, and potential hazards associated with the proposed undertaking. These key elements are lacking in the Turner Placer Exploration POO, as demonstrated by the second paragraph under Proposed Action, “The operator will remove placer samples from excavated test pits, *the size, number and locations* (emphasis added) to be determined by Forest Service minerals personnel during future field visits with the operator,” (Scoping Notice, page 53, July 2, 2019). ICL questions how we (or others) can provide meaningful comments based on this lack of information regarding potential work on public lands. Based on this line alone, ICL believes this project is not eligible for the CE category, and recommends the Forest Service remove the proposed undertaking from the list of potential projects.

In the following paragraph, the operator states that a pair of settling ponds, “large enough to contain from 2000 to 5000 gallons total,” will provide mitigation efforts to clean water after going through the wash plant. The plan contains no information regarding the size (LxWxD) of the settling ponds, and states the ponds may be reclaimed and relocated, but provides no information detailing the initial pond locations within the Area of Interest (AOI). ICL cannot provide significant comments without knowing the proposed location of these settling ponds, their potential impact on the surrounding environment, or the potential hazards associated with their placement, e.g., in erosive soils or within wetlands or riparian areas.

ICL respectfully disagrees with the conclusions drawn in the fifth paragraph of the Proposed Action, in which the operator suggests that by working only a single pit at a time while concurrently reclaiming one other pit, the amount of the required reclamation bond lessens. While ICL appreciates the effort to perform reclamation activities during the course of the project, this should not, and does not reduce the operator’s liability or obligation to the Forest Service and the general public. Agencies require bonds to ensure proper and complete reclamation, the monies put forth acting as incentives for miners to operate using best management practices and within the established laws and regulations. The Forest Service must uphold its public obligations by requiring bonds in an amount that cover worse case situations rather than best case scenarios.

The project POO outlines the necessary equipment, but again, the lack of firm information or true sense of a “plan” calls for the Forest Service to reevaluate this project’s worthiness. For instance, the operator states that a masticator may or may not be used to clear timber from a Forest Service road for access. Access issues require clear definition before the Forest Service can gauge the

worthiness of any proposed undertaking, and several access issues associated with the Turner project require the Forest Service to remove this project from consideration. The operator proposes to fill a washout on FSR 307A adjacent to Moose Creek, build approximately 0.5 miles of temporary road, and construct an earthen ramp bridge crossing over Moose Creek. First, the filling of a wash and the construction of an earthen ramp bridge over Moose Creek create the potential to discharge sediment into the nation's waters, thus requiring a 404 permit from the Army Corps of Engineers. The amount of dirt work proposed by the operator should require the direction and plans of a licensed engineer working in conjunction with a Forest Service hydrologist, especially in regards to an earthen ramp bridge. Furthermore, the provided map fails to identify the location of the proposed temporary road, information critical to reviewers for providing informed comments.

Finally, the POO states that work will take place within an RHCA. All operations must comply with the protective standards and regulations of INFISH, concerning mining, road construction, and tree removal. No Forest Plan amendments to suspend these requirements should be considered.

If any discharge from mining activities is anticipated to occur, effects to sensitive, threatened, and endangered species represents an extraordinary circumstance, justifying the preparation of an environmental assessment (EA) or environmental impact statement (EIS). The project analysis and decision document for any project within RHCAs should articulate project design features that demonstrate consistency with the Riparian Management Objectives contained in the INFISH and how they will be maintained and restored following project implementation.

As we have demonstrated, the Turner project lacks the information and detail that is necessary to provide meaningful, directed, and scientifically-based comments regarding the value and/or potential adverse effects associated with the proposal. Furthermore, the amount of dirt work surrounding Moose Creek places this project beyond the CE category, and a failure to conduct a thorough environmental review would result in a NEPA violation. Based on this information, ICL recommends the Forest Service remove the Turner Placer Exploration project from its consideration list until such a time that the operator can provide a complete and detailed OPP, map, and has acquired the proper and relevant permits.

Once again, thank you for the opportunity to provide scoping comments regarding this proposal. Please keep ICL on the mailing list for all documents related to this project. We look forward to the opportunity to work with the Nez Perce-Clearwater National Forest on this, and any future projects.

Respectfully,

A handwritten signature in dark ink, appearing to be a stylized representation of the letters 'J' and 'P' followed by a long horizontal stroke.

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